

Appln. Serial No. 09/945,193
Amendment dated September 27, 2007
Reply to Office Action Mailed June 27, 2007

REMARKS

In the Office Action dated June 27, 2007, claims 28-30, 36-40, 42, 43, 46, and 48-61 were rejected under 35 U.S.C. § 102(b) as being anticipated by Patton & Feldman, "Service Parts Handbook," (hereinafter "P&F"); claims 41 and 53 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Patton & Feldman view of the U.S. Patent No. 5,682,421 (Glovitz); and claims 32-34, 44, and 45 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Patton & Feldman in view of Patton et al., "Service Management Principles and Practice," (Patton et al.).

INDEPENDENT CLAIMS 32 AND 45

Independent claim 32 was rejected as being obvious over P&F in view of Patton. It is respectfully submitted that a *prima facie* case of obviousness has not been established for at least the reason that the hypothetical combination of the references does not disclose or hint at all elements of claim 32. To make a determination under 35 U.S.C. § 103, several basic factual inquiries must be performed. See *Graham v. John Deere Co.*, 383 U.S. 1, 17, 148 U.S.P.Q. 459 (1965). As held by the U.S. Supreme Court, two of these basic factual inquiries include: (1) determining the scope and content of the prior art; and (2) ascertaining the differences between the prior art and the claims at issue. *Id.*

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Here, a comparison of the claimed subject matter and the teachings of P&F and Patton will reveal that there are significant differences between the claimed subject matter and the reference teachings.

Claim 32 recites, *inter alia*, the following:

wherein determining the costs comprises determining a cost of mis-predicting a subgroup of the parts according to parameters indicating at least:

(1) a number of trips that the set of symptoms were reported, the subgroup of parts were sent, and at least one part not in the subgroup of parts was needed to complete the onsite repair; and

(2) a number of trips that the set of symptoms were reported, the subgroup of parts were sent, and the subgroup of parts included at least one part that was unnecessary in the onsite repair.

Although the Office Action cited a passages from P&F and Patton as disclosing sub-element (1) above (*see* 6/27/2007 Office Action at 24), the Office Action **failed** to cite what in P&F and Patton constituted sub-element (2) above. Therefore, it is respectfully submitted that the obviousness rejection does not fully address the claim, and thus, is defective.

Moreover, it is respectfully submitted that the hypothetical combination of P&F and Patton does not disclose or hint at either of sub-elements (1) and (2) above. The Office Action conceded that P&F fails to disclose "a number of trips" as recited in claim 32, but stated that Patton remedies this shortcoming of P&F. 6/27/2007 Office Action at 25.

Specifically, the Office Action cited to various parameters in P&F: First Pass Fill Rate (FPFR), First Call Fix Rate (FCFR), and Demand Accommodation/Satisfaction. The Office Action cited pages 58, 90, 252 of P&F as disclosing FCFR, pages 10, 367, 399, and 466 as disclosing FPFR, and pages 59 and 405 as disclosing Demand Accommodation/Satisfaction.

FCFR is equal to quantity satisfied at first attempt divided by total requests. P&F, p. 58. It is a measure of total system performance. FPFR is a measure of stocking location performance, and is the percentage of time that the part needed is available for issue in the stocking location that is planned to provide first level support for that part. P&F, pp. 367, 399. Demand Accommodation/Satisfaction is measured by the number of requested parts that are on the authorized stock list. P&F, p. 59. None of these parameters bear any resemblance to a

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"number of trips that the set of symptoms were reported, the subgroup of parts were sent, and at least one part not in the subgroup of parts was needed to complete the onsite repair," as recited in claim 32. Similarly, none of these parameters provide any hint of a "a number of trips that the set of symptoms were reported, the subgroup of parts were sent, and the subgroup of parts included at least one part that was unnecessary in the onsite repair," as recited in claim 32.

Patton also fails to disclose or hint at the claimed subject matter missing from claim 32. The Office Action pointed to various parameters in Patton, including Callback Rate, First Call Fix Rate, Attempts per Incident. The Callback Rate is the number of repeat attempts divided by the total attempts. The First Call Fix Rate is discussed above in connection with P&F. The Attempts per Incident is the total attempts divided by the number of incidents. These parameters do not provide any indication of the following claimed subject matter:

- (1) a number of trips that the set of symptoms were reported, the subgroup of parts were sent, and at least one part not in the subgroup of parts was needed to complete the onsite repair; and
- (2) a number of trips that the set of symptoms were reported, the subgroup of parts were sent, and the subgroup of parts included at least one part that was unnecessary in the onsite repair.

The Office Action appeared to have just cited a number of parameters from the prior art references and then asserted that somehow such parameters represent the two claimed parameters above. That is clearly not the case. Note that the "number of trips" as claimed is dependent on combinations of several other criteria, as claimed, which combinations are clearly not taught or hinted at by Patton.

The remaining passages of Patton also provide no hint of the claimed "number of trips" sub-elements.

Since the hypothetical combination of P&F and Patton fails to disclose or hint at all elements of claim 32, it is respectfully submitted that a *prima facie* case of obviousness has not been established with respect to claim 32.

Independent claim 45 is allowable over P&F and Patton for similar reasons as for claim 32.

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INDEPENDENT CLAIM 38

Claim 38 has been amended from dependent form to independent form.

Claim 38 was rejected as anticipated by P&F. Applicant respectfully disagrees with the rejection.

Claim 38 recites the following element that is clearly not disclosed by P&F: "selecting another subset of the parts for training of call qualifiers in response to the costs." With respect to this element of claim 38, the Office Action cited the following passages of P&F: pages 53-54, 254, 387, 241, 184, 395, 248, Figures 16-1, 16-2, 25-2.

P&F discusses call management and help desk and generic training (pp. 53-54), a customer calling a call management center (Figure 16-2 & p. 254), help desk diagnostics (p. 241), training cost per unit under contract and training costs sustained only to support an EOL product (p. 184), formal training with on-the-job followup (p. 395 & Figure 25-2), and remedial training of technicians in diagnostics and repair based on comparing parts usage across technicians (p. 248). However, nowhere in P&F is there any teaching of selecting a subset of parts for *training call qualifiers in response to the costs* computed based on probabilities of over-predicting and under-predicting the parts.

Therefore, claim 38 is not anticipated by P&F.

INDEPENDENT CLAIM 42

Claim 42 has been amended from dependent form to independent form.

Claim 42 was also rejected as being anticipated by P&F. Applicant respectfully disagrees with the rejection.

Claim 42 recites "determining which personnel to target for additional training *in response to the costs*," which are costs computed based on probabilities of over-predicting and under-predicting the parts. Although P&F refers to training, there is absolutely no teaching in

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P&F of determining which personnel to target for additional training in response to the costs computed based on probabilities of over-predicting and under-predicting the parts.

Therefore, claim 42 is not anticipated by P&F.

INDEPENDENT CLAIMS 58 AND 44

Claim 58 has been amended from dependent form to independent form.

Claim 58 was also rejected as being anticipated by P&F. Applicant respectfully disagrees with the rejection.

Claim 58 recites "wherein determining the costs of mis-predicting comprises determining expected wastes for the corresponding parts, wherein each expected waste is computed based on a number of times the corresponding part was under-predicted, a number of times the corresponding part was over-predicted, a number of times the corresponding part was correctly predicted, a cost of over-predicting the corresponding part, and a cost of under-predicting the corresponding part, wherein the repair history contains the number of times the corresponding part was under-predicted, the number of times the corresponding part was over-predicted, and the number of times the corresponding part was correctly predicted."

The Office Action cited the following parameters of P&F as disclosing the above feature: First Pass Fill Rate, Demand Accommodation, Demand Satisfaction, Fix Call Rate. These parameters do not constitute the number of times the corresponding part was under-predicted, the number of times the corresponding part was over-predicted, and the number of times the corresponding part was correctly predicted, which are all part of the repair history.

Therefore, claim 58 is not anticipated by P&F.

Claim 44 has been amended from dependent form to independent form, and is allowable for similar reasons as claim 58.

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CONCLUSION

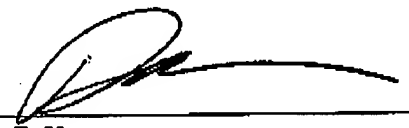
Dependent claims are allowable for at least the same reasons as corresponding independent claims. In view of the allowability of base claims, the obviousness rejections of dependent claims have been overcome.

Allowance of all claims is respectfully requested. The Commissioner is authorized to charge any additional fees and/or credit any overpayment to Deposit Account No. 08-2025 (10007972-1).

Respectfully submitted,

Date: _____

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Dan C. Hu
Registration No. 40,025
TROP, PRUNER & HU, P.C.
1616 South Voss Road, Suite 750
Houston, TX 77057-2631
Telephone: (713) 468-8880
Facsimile: (713) 468-8883